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This is the first in a series of quarterly newsletters designed to inform growers in Contra Costa County about issues important to the Agricultural community. We welcome your questions and comments about any topics in this newsletter as well as suggestions for future newsletters. Contact us at:

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### **New Respirator Regulations**

County Agricultural Commissioners will begin enforcing the new regulations for employees who use respirators starting January 1, 2008. The new regulations bring about many changes in how the use of respirators is handled in the Agricultural and Pest Control Industries. It is the employers' responsibility to understand and implement these regulations at their worksite. The County Agricultural Commissioners can advise individuals and businesses about how to comply with these and any other pesticide use-related regulations. Employers may also want to ask their insurance carriers or respirator suppliers for additional help in developing their respiratory protection programs.







Filtering face pieces ARE respirators and are subject to the new regulations when used for protection from pesticides.

Employers shall assure that employees use respirators when required by label, restricted permit condition, regulation, employer policy. The employer shall designate a physician or other authorized health care professional to evaluate each employee's ability to use a respirator by either reviewing a medical questionnaire or by direct physical examination. The results of these evaluations are protected under the laws governing patient confidentiality. The employer shall receive from the physician a written medical recommendation regarding each employee's ability to use a respirator. Though only required to have each employee evaluated once, the employer must have employees evaluated again if they develop any health conditions that could interfere with their ability to safely use a respirator. Reevaluation must also occur if there are changes in the pesticides handled, the type of respirator used, or the required frequency of use.

Employees must be trained prior to using a respirator and at least once a year thereafter. If employees will be using a tight-fitting face piece, they must pass an appropriate Cal/OSHA compliant fit test as a part of their training. Retraining must also occur when: (1) changes in the workplace or respirator make the previous training obsolete; (2) employees show a failure to understand and use respirators correctly; or (3) any other situation arises in which retraining



Employees must be trained prior to using a respirator and at least once a year thereafter.



Respirator fit testing

appears necessary. Additionally, the employer shall ensure that employees are able to answer questions about why the respirator is necessary; what the limitations and capabilities of the respirator are; how to inspect and maintain the respirator; and how to recognize medical signs and symptoms that may limit or prevent the effective use of respirators.

The employer shall evaluate the workplace when necessary to ensure that the current program is effective. The employer shall also annually consult with employees who are required to use respirators to get suggestions on how to improve the program. Any problems identified during this assessment must be corrected within 30 days. The employer must document both the evaluations and the consultations. These records, as well as copies of medical recommendations, fit testing results, and the written respirator program, shall be retained for three years by the employer.

If a respirator is not required by label, restricted material permit condition, regulation, or employer policy, an employer may allow the voluntary use of respirators. If the respirator used is a cartridge type, the employee must be evaluated by a physician and the employer must provide certain other components of the new requirements. For any voluntary use of respirators, the employer must provide to employees information about the proper use of respirators and their limitations.



Employers must consult at least once a year with employees who use respirators in order to identify any problems.

Other requirements in the new regulation not specifically discussed here include: selection of respirators; facepiece seal protection; procedures for Immediately Dangerous to Life or Health (IDLH) atmospheres; cleaning and disinfecting; storage of emergency respirators; inspection and repair; breathing air quality and use; identification of filters, cartridges, and canisters; and cartridge/filter service life.

For further information, visit the Contra Costa County Department of Agriculture website at <a href="https://www.co.contra-costa.ca.us/depart/agriculture/index.html">www.co.contra-costa.ca.us/depart/agriculture/index.html</a> or the California Department of Pesticide Regulation website at <a href="https://www.cdpr.ca.gov">www.cdpr.ca.gov</a>. The complete text of the new regulations (Title 3 California Code of Regulations, Section 6739), as well as a generic DPR guidance document (HS-1513) for developing a respirator program, are both available as links for you to review.



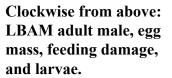
### **Light Brown Apple Moth Update**

The Light Brown Apple Moth (LBAM) is a new pest found in California that attacks over 250 types of agricultural, landscape, and native plants. Important fruit and nut crops that the LBAM feeds on include grapes, apples, citrus, peaches, apricots, cherries, pears, strawberries, walnuts, and almonds. Vegetable crops at risk include corn, tomatoes, squash, broccoli, cabbage, celery, cucumbers, beans, peas, and peppers. Even native plants like oaks, redwoods, pines, ceanothus, sagebrush, salvias, coyote brush, lupines, ferns, and willows are at risk.

LBAM adults are light brown moths about 1/4 inches long. The larvae are about 5/8 inches long at maturity and are green in color with a brown head. The egg masses are pale white and consist of 20-50 overlapping eggs that are about 1 mm (less than 1/16 inches) in diameter. Larvae typically stick or roll leaves and buds together with silk webbing to make shelters to hide and pupate in. In the Bay Area, LBAM is expected to have an estimated 4-5 generations per year.

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Both the State of California and the Federal Government are very concerned that LBAM could become established in the continental United States. In California alone, economic losses from LBAM are estimated to be \$160 - \$640 million in affected counties through direct damage to crops and from the loss of foreign and domestic markets for our fruit, vegetables, hay, cut flowers, nursery stock, etc. Currently, Federal, State, and County officials are trying to identify what areas in California have infestations of LBAM. The next step is to try to contain the infestations and eradicate them where possible.

All infested areas in California are under quarantine to prevent the spread of LBAM. The State of California considers the quarantine area in Contra Costa County to consist of parts of Danville, Oakley, and San Ramon, as well as most of the western part of the county. However, both the Oakley and Danville quarantines are expected to be lifted by the time this newsletter is printed. The Federal Government has designated all of Contra Costa County to be a regulated area for LBAM.

As growers in infested areas have already discovered, shipping LBAM host material out of the quarantine areas is subject to serious restrictions. Any growers with production areas inside of or within 1.5 miles of an infested area must have a compliance agreement with their County Agriculture Department. Nursery production areas must have LBAM detection traps at a level of at least one per five acres. Growers of other LBAM hosts will have traps



LBAM detection trap



LBAM distribution in the San Francisco Bay Area as of November 2007.

at a rate of five per square mile. The traps are inspected once every two weeks.

Additionally, production areas in or within 1.5 miles of an infested area must be visually inspected by the Agriculture Department. For nurseries, this occurs once a month and for other commodities, the inspection must be done within 30 days of shipment. Shipments going to destinations within California must have a certificate issued by the County Agriculture Department. Shipments of nursery products going to other states must have a certificate or a Federal Shield stamp authorized by USDA. Shipments going outside the United States must have a Federal Phytosanitary Certificate.

Growers within Contra Costa County with production areas further than 1.5 miles from an infested area will have LBAM detection traps at a rate of five per square mile. Shipments of nursery products from Contra Costa County going to destinations out of California, even if they have been produced further than 1.5 miles



Nurseries in or near infested areas must be visually inspected once a month.

from the infested area, must have a certificate or a Federal Shield stamp authorized by USDA. However, any Contra Costa County growers may voluntarily request to be put under a compliance agreement and receive a Federal Shield stamp.

Restrictions on shipping LBAM host material from infested areas will probably increase in the future. As of November 2007, fifteen states had requested preshipment notification from the LBAM quarantine area. Some countries, such as Mexico, have completely prohibited any LBAM host material from infested California counties. China is also expected to seriously restrict imports in the near future.

Measures to control and eradicate LBAM have been ongoing. The primary weapon has been to flood an infested area with LBAM pheromones to confuse the males and disrupt their ability to find females. This technique has been very effectively used to control LBAM in Australia and New Zealand. The Oakley, Danville and San Ramon infestations have all been treated in this way using pheromone impregnated twist ties. For larger areas, pheromones are applied by aerial spraying. Parts of Monterey and Santa Cruz counties were treated by CDFA in 2007 and the Richmond area is scheduled for Spring 2008. For the future, there are plans to try to develop a sterile male release program similar to the one used for Mediterranean Fruit Fly. This program is estimated to be at least two years away.

### Dormant Spray and Tailwater Requirements

A new dormant spray regulation became effective in August of 2006. The purpose of the regulation is to help prevent pesticide runoff from fields to waterways during the wet winter months when dormant sprays are applied.

In the 1990's, The Department of Pesticide Regulation (DPR) began detecting high concentrations of dormant spray insecticides, primarily Diazinon, Lorsban, and Supracide, in rivers during the winter spray season. At that time, they published recommendations for ways growers could limit runoff from their fields into surface water. The manufacturers of Diazinon, Lorsban, and Supracide were also required to put use restrictions on their labels.

DPR continued to monitor the level of pesticides in the rivers and found that although the levels dropped, they were still higher than was acceptable. There were also more synthetic pyrethroid dormant spray insecticides found in the water as growers moved away from using Diazinon, Lorsban, and Supracide. DPR decided that voluntary best management practices were not enough to solve the problem and wrote the new regulation to apply to all insecticide dormant sprays. Synthetic pyrethroid dormant spray labels were also changed to add use restrictions intended to protect surface water.



The new regulation helps protect surface water from dormant spray runoff.



Applications of nonexempt materials by air may only be made under certain conditions

# If a grower can meet ONE of the following, no additional restictions apply:

- 1) The grower only applies exempt dormant spray materials (dormant oil and biocontrol agents such as Spinosad)
- 2) The grower applies a dormant spray insecticide to a hydrologically isolated site (any treated area that does not produce runoff, e.g. water cannot leave the site or property via a ditch or drain)
- 3) The grower can hold runoff for 72 hours before releasing it into a sensitive aquatic site

## If the above conditions cannot be met, ALL the following must be done:

- 1) Obtain a written recommendation from a licensed PCA
- 2) Provide a 100 foot buffer zone from any sensitive aquatic site
- 3) Apply only when the wind speed is between 3 and 10 mph.

**Dormant spray applications of nonexempt** materials by air are only allowed with a written recommendation from a licensed PCA, a 100 foot buffer zone near any sensitive aquatic site, and a wind speed between 3-10 mph.

**NO** dormant sprays of nonexempt materials are allowed by ground or air when: the soil is saturated with water and runoff is likely to occur if it rains; **OR** if rain is forecast within 48 hours after scheduling a dormant spray application.

### **Device Registration for 2008**

The Contra Costa County Division of Weights and Measures protects buyers <u>and</u> sellers by promoting fair packaging and by checking commercial weighing, measuring and timing devices for accuracy. When these devices are accurate, it helps ensure the honesty and integrity of everyday business transactions for residents and businesses alike. After all, businesses don't want to give away products for free any more than consumers want to pay for products they didn't get.

In 1982, the California Legislature first granted counties the authority to collect fees to pay for inspecting commercial weighing and measuring devices. Between 1994 and 2005, these fees remained the same. Over time, the increased cost of running the program made it harder to test each device in the county on a regular basis. Finally, in 2005 a bill was passed to increase the fees to a level that would cover the actual cost of inspection. The fees were to be phased in over a three year period with the final increase to become effective starting January 1, 2008.

Growers who sell their products using scales at roadside stands and Farmers Markets must have



Scale testing at a Certified Farmers Market



Official weights used to test scales

the devices registered and tested by a County Division of Weights and Measures. Starting January 1, 2008, there will be a fee of \$100 charged for each business location and a \$20 fee for each device. Contra Costa County growers may have their business location fee waived by bringing the scale in to be tested at the Department of Agriculture/Weights and Measures offices in Knightsen or Concord (please call first for an appointment). If the scale cannot be brought in to our offices, the business location fee may be reduced by 50% for small businesses that have only one location in Contra Costa County and gross less than \$50,000 per year.

In January, businesses can expect to receive in the mail the 2008 device registration fee notice. If the fee has not been paid within sixty days after it is due and payable, there will be a penalty of 50% of the annual registration fee. This penalty rises to 100% of the annual registration fee for failure to pay the annual registration fee within 90 days. If a device fails the accuracy test, a reinspection fee will be charged at a rate of \$70 - \$130 per hour plus mileage to the business location.

Growers who have their scales registered and tested in another county will not be charged an additional fee in Contra Costa County. If the number and/or type of devices listed on your annual device registration notice is incorrect or you have any questions regarding device registration, please call our office.

### **Contra Costa County Yesterdays**

At one time, Contra Costa County had the distinction of having the world's largest winery, called Winehaven. After the 1906 earthquake and fire destroyed their San Francisco location, the California Wine Association began construction of a winery at Point Molate in what is now the City of Richmond. At its peak, Winehaven employed over 1,000 people, used grapes from all over California, and produced champagne, brandy, and 67 varieties of wine. Large tanker ships were able to load cargo at its 1,800 foot dock. Winehaven was shut down due to Prohibition in 1919





In 1941, the Navy bought the site to serve as a fuel depot. The old buildings were used to house naval personnel and store thousands of drums of fuel. The Navy built twenty large concrete tanks near the site, laid pipelines, and constructed a new pier to help serve the war effort.

Today, many of Winehaven's buildings remain as a part of a National Register historic district.

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